

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

NOTICE OF PUBLIC MEETING

*Consideration of a proposed settlement for an Administrative Civil Liability Complaint
concerning*

Hilmar Cheese Company, Inc. and Hilmar Whey Protein, Inc.
Merced County

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), issued a complaint for Administrative Civil Liability in the amount of \$4,000,000 to Hilmar Cheese Company, Inc., and Hilmar Whey Protein, Inc. (Hilmar). The ACL Complaint alleges that (1) Hilmar's self-monitoring reports document 1,039 days of violation of the discharge effluent limit of 900 micromhos per centimeter ($\mu\text{mhos/cm}$) for EC prescribed by WDRs Order No. 97-206 for discharges to Primary Lands; (2) Hilmar's self monitoring reports document that on those 1,039 days, Hilmar discharged 821,000,000 gallons of wastewater to the Primary Lands; and (3) on those 1,039 days, Hilmar discharged waste or caused or permitted waste to be deposited where it was discharged into waters of the state. Hilmar has vigorously disputed the proposed administrative civil liability, asserting that it has complied in good faith with the requirements established by the Regional Board and that the requirements in the Board's orders are inappropriate.

To avoid the expense and uncertainty of litigation, the Prosecution Staff of the Regional Board and Hilmar have reached a settlement, but before the settlement agreement is effective it must be approved by the Regional Board. As noted below, the settlement agreement and related documents have been posted on the Regional Board's website and are available to be downloaded by the public for review. The Regional Board has been asked to approve the proposed settlement agreement, which among other things would resolve the issues set out in the complaint.

A public meeting concerning this matter will be held during the Regional Board meeting, which is scheduled for:

DATE: 16 March 2006
TIME: 1:30 PM
PLACE: CV-RWQCB Board Room
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

The issue before the Board will be whether the Regional Board should approve the settlement agreement. The meeting is not an evidentiary hearing on the merits of the Administrative Civil Liability Complaint and no evidence or testimony will be received. If the Board decides to reject the settlement, it may schedule an evidentiary hearing on the merits of the ACL Complaint for another date.

Persons wishing to comment on this noticed meeting item must submit comments in writing to the Regional Board (attention: Ms. Antonia Vorster) no later than **14 March 2006**. Written comments submitted after **14 March 2006** will not be accepted and will not be incorporated into the administrative record.

All interested persons may speak at the Board meeting, and are expected to orally summarize their written submittals, if they submitted any by the deadline. Comments will be limited in time by the Board Chair.

The Meeting will be conducted as follows:

1. Prosecutorial team will present the items to the Board (20 minutes)
2. Discharger comments (20 minutes)
3. Adjudicatory team comments (10 minutes)
4. Interested Persons (5 minutes each)

Allotted times may be adjusted by the Chair.

Anyone having procedural questions on the proposed Consideration of the Settlement should contact Ms. Antonia Vorster at avorster@waterboards.ca.gov or (916) 464-4746. Interested parties may download the proposed settlement and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/0603/index.html#hilmar>. If you do not have Internet access, these document may be inspected and copied at the Regional Board's Fresno office at 1685 "E" Street, Fresno, CA 93706-2007, or the Sacramento Office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The meeting facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original Signed By

ANTONIA K. J. VORSTER
Supervising Water Resources Control Engineer

14 February 2006